

**REMARKS**

The Office Action mailed May 17, 2004, has been received and reviewed. Claims 1 through 16, and 24 through 37 are currently pending in the application. Claims 1 through 16, and 24 through 37 stand rejected. Applicants have amended no claims herein.

**35 U.S.C. § 112 Claim Rejections**

Claims 1 through 16, and 24 through 37 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants respectfully traverse this rejection, as hereinafter set forth.

In order to establish a prima facie case of lack of written description, the following elements must be met, namely, (1) the application does not reasonably describe or convey the concepts, (2) to one of ordinary skill in the art, (3) at the time of filing the patent application, and (4) that the inventor had possession of the claimed invention. The Board in *Ex parte Parks* stated:

Adequate description under the first paragraph of 35 U.S.C. § 112 does not require literal support for the claimed invention . . . Rather, it is sufficient if the . . . disclosure would have conveyed to one having ordinary skill in the art that an appellant had possession of the concept of what is claimed. (30 USPQ2d 1234, 1236 (B.P.A.I. 1994)).

For the rejection to be proper, the Examiner must show that each of these elements is present. Otherwise, the rejection is improper and must be withdrawn.

**Description of the Concept**

An application need not contain a word-for-word description of the claimed invention to satisfy the written description requirement. All that is required is that the application reasonably convey the claimed subject matter. *Ex parte Parks*, 30 USPQ2d 1234.

Applicants' claim, for example independent claim 1, reads:

1. A telepresence system for allowing an operator to interact with a remote operating environment, the system comprising:

one or more input devices, the one or more input devices configured to produce raw data representative of operator commands;

an input conversion module configured to convert the raw data into a zone structure representative of the operator commands in a telepresence-device independent format, the zone structure being a format independent of any one of the one or more input devices;

one or more device modules corresponding to one or more telepresence devices, the one or more device modules configured to convert the zone structure into telepresence device commands specific to an associated one of the one or more telepresence devices, the zone structure being a format independent of any of the one or more telepresence devices, the telepresence device commands resulting from at least a portion of the operator commands; and

a configuration module configured to associate a specific one of the one or more input devices corresponding to the zone structure with a specific one of the one or more telepresence devices which responds to the telepresence device commands resulting from the zone structure.

Applicants sustain their position that the disclosure is ample to meet the statutory disclosure requirement as interpreted by the various appellate bodies. The Office Action in the Response To Arguments section states:

no mention is ever made anywhere within the pending specification to an “independent-natured zone structure.” The applicants extrapolate from their provided excerpts that there is “ample disclosure relating to the use of an intermediate zone structure that allows for conversion of the zone structure to commands that can cause interoperability with a myriad of telepresence devices” (emphasis added – see Page 10 of the Amendment). However, this so-called “intermediate zone structure” is another matter entirely. Pending claim language says nothing of “intermediate zone structures.” Furthermore, even if the instant specification arguably does disclose an “intermediate zone structure,” it does not logically follow that the specification teaches an “independent zone structure.” There exists no description in the instant specification of what is meant by an “independent-natured zone structure.” (Office Action pp. 10-11).

Applicants respectfully disagree that an “independent zone structure” is not taught, specifically when the standard for disclosure is what the “disclosure would have conveyed to one having ordinary skill in the art”. Applicants’ pending specification clearly states that input devices of various formats can be configured to control output devices of various formats through the use of conversion to a “zone structure” that, while “intermediary” by its logical and functional position, must also be some format that is not of a limiting format but rather an

“independent” format that is converted into the specific output device format by the one or more device modules. Applicants’ pending specification includes disclosure, examples of which would convey “independence” to one of ordinary skill in the art. Specific supporting examples from the pending patent application specification include:

The raw data generated by the input devices is processed into **a common** zone structure . . . [t]his **modularized approach** permits input devices to be easily interfaced with various telepresence devices. (Abstract).

The present invention **defines a generalized zone structure that is translated to device movement.** (Specification p. 4 as originally filed.)

The input conversion module 34 **receives the raw input** from the input devices 22 and **converts the raw input into a zone structure** . . . [t]he zone structure may use integers, for example, to define movement in a particular direction . . . **[t]he zone structure thus enables any input device 22 to be compatible with one or more telepresence devices 60.** (Specification p. 13 as originally filed.)

This **ability to control** the motion or other aspect of a telepresence device through any input device 22 **is achieved** in this embodiment **through the use of generalized zones** (Specification p. 11 as originally filed).

The commands are usually received from input devices and the present invention **translates the raw data** provided by the input devices **into a zone structure that is understood by the potential telepresence devices** . . . **[b]ecause** the raw data of the input devices **is converted to a zone structure, any input device is easily capable of controlling any telepresence device.** (Specification pp. 4-5 as originally filed.)

[T]he use of the **zone structure, allows any input device to control any telepresence device and input devices are interchangeable.** (Specification p. 13 as originally filed.)

The illustrated embodiment of **the present invention effectively isolates the input devices 22 from the telepresence devices 60** such that any input device 22 can be used to control any one or more of the telepresence devices 60. (Specification p. 11 as originally filed.)

The modularization of the software components combined with **the generalized zone concept** allows the systems and methods of the present invention to be **easily expanded to encompass new devices** and new uses. (Abstract).

A telepresence system . . . comprising: . . . an input conversion module, the input conversion receiving raw data from at least one of the plurality of input devices and **converting** the raw data **to a zone structure;** and a plurality of device modules corresponding to the plurality of telepresence devices, wherein the device modules **receive the zone structure** and **convert the**

**zone structure** to movement commands **for each respective telepresence device**; . . . (Claim 24 as originally filed.)

In a system having input devices and telepresence devices, a method for controlling on or more identified telepresence devices . . . comprising the steps of: . . . **converting** the raw data **into a zone structure**, wherein the **zoned structure is representative of** movement commands; **processing the zone structure** with a device module for each identified telepresence device **to obtain the movement commands** for each identified telepresence device . . . (Claim 9 as originally filed.)

[T]he telepresence system as described herein is **easily adaptable to any input device, new or different telepresence devices are easily added and controlled**. (Specification pp. 16-17 as originally filed.)

[T]he input conversion module 34 and the device modules 32 **allow any of the input devices 22 to control any of the instruments or hardware component or devices** comprising telepresence devices 60. (Specification p. 14 as originally filed.)

Because of the ample disclosure relating to the use of an independent zone structure that allows for conversion of the zone structure to commands that can cause interoperability with a myriad of telepresence devices, Applicants respectfully submit that sufficient disclosure exists to support the limitation that “the zone structure represents the operator commands in a telepresence-device independent format, the zone structure being a format independent of any of the one or more telepresence devices”, as claimed by Applicants. Therefore, Applicants respectfully request that the rejections be withdrawn.

### **35 U.S.C. § 102(b) Anticipation Rejections**

#### **Anticipation Rejection Based on U.S. Patent No. 5,182,641 to Diner et al.**

Claims 1 through 4, 6 through 16, 24 through 34, 36 and 37 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Diner et al. (U.S. Patent No. 5,182,641). Applicants respectfully traverse this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention

must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Office Action in the section 102 rejection formally states:

Regarding claim 1, Diner discloses a telepresence system for allowing an operator [Fig. 1, 19] to interact with a remote operating environment, the system comprising: one or more input devices [Fig. 1, 2], the one or more input devices configured to produce raw data representative of operator commands; an input conversion module configured to convert the raw data into a zone structure representative of the operator commands in a telepresence-device independent format, the zone structure being a format independent of any one of the one or more input devices; one or more device modules corresponding to one or more telepresence devices [Fig. 1, 13'-17'], the one or more device modules for converting the zone structure into telepresence device commands specific to an associated one or the one or more telepresence devices, the zone structure being a format independent of any of the one or more telepresence devices, the telepresence device commands resulting from at least a portion of the operator commands; and a configuration module for associating a specific one of the one or more input devices corresponding to the zone structure with a specific one of the one or more telepresence devices which responds to the telepresence device commands resulting from the zone structure (see Column 4, Line 15-Column 5, Line 37). (Office Action p. 4).

The Office Action “characterizes” the believed teachings of Diner in the Office Action’s Response to Arguments section wherein the Examiner, in response to the previous proffered arguments, states that:

Moreover, the applicants contend the cited prior art of Diner et al. (US 5,182,641) neglects to teach an input conversion module configured to convert the raw data into a zone structure representative of the operator commands in a telepresence-device independent format, the zone structure being a format independent of any one of the one or more input devices. However, the examiner again respectfully disagrees. Diner explicitly discloses, “hand-controller coordinates [i.e. raw data] are transformed [i.e. converted to an intermediate telepresence-device/input-device independent format] to correspond with [i.e. to be adapted/converted to] the coordinates of a selected camera [i.e. telepresence device commands]” (see Column 2, Lines 40-41). The applicants continue, “Diner does not disclose any intermediate telepresence-device independent format but rather discloses a direct scaling of coordinates commensurate with the corresponding field of view (e.g. zoom magnitude) of the selected camera” (see Page 13 of the Amendment). However, Diner’s hand-controller coordinates are transformed/converted so as to control up to four cameras, as the applicants themselves note (see Page 13 of the Amendment; Column 2, Lines 40-42 and Column 5, Lines 35-37 of Diner). Therefore, even if Diner only arguably teaches a coordinate method of “direct scaling” (as the applicants contend), such scaling inherently must function as an “intermediate format”

**because such scaled coordinates are operable with a plurality of separate telepresence devices.** (Office Action pp. 11-12; emphasis added).

Applicants respectfully disagree that “**scaling**” is in some way equivalent to “**convert[ing] the raw data into a zone structure representative of the operator commands in a telepresence-device independent format, the zone structure being a format independent of any one of the one or more input devices**” as claimed by Applicants. “Scaling” by the nature of its usage implies transforming from one scale or measure to another scale or measure that, according to the teachings of Diner, is directly utilized by the output devices in the newly derived scale or measure. Specifically, teachings relating to “scaling” in Diner include, (i) “That transformation of hand-controller coordinates to selected televisions camera coordinates is conventional” (col. 5, lines 16-18); (ii) “If the hand-controller coordinates are transformed to correspond with the coordinates of a selected camera, the graphics will indicate that fact” (col. 2, lines 40-42); and (iii) “the operator assigns the monitors to up to four of the five cameras and changes these assignments as the need arises” (col. 5, lines 35-37).

Diner does not appear to disclose, as claimed by Applicants in independent claim 1, the elements of Applicants’ invention as claimed in independent claim 1. Diner does not disclose any intermediate telepresence device-independent format but rather discloses a direct scaling of coordinates commensurate with the corresponding field of view (e.g., zoom magnitude) of the selected camera. Specifically from Diner, “hand-controller **coordinates are transformed to correspond** with the coordinates of a **selected** camera” (col. 2, lines 40-42; emphasis added). In direct contradiction, Applicants’ invention, as claimed, is drawn to, among other things, “an input conversion module configured to **convert the raw data into a zone structure representative of the operator commands in a telepresence-device independent format, the zone structure being a format independent of any one of the one or more input devices**”.

Clearly, the Diner reference does not and cannot anticipate under 35 U.S.C. § 102(b) as no intermediate data formatting **transformation** process is disclosed. Accordingly, independent claim 1 and claims 2 through 8 and 37 depending therefrom, are allowable over the cited

reference and the rejection should be withdrawn.

Independent Claim 9

Regarding claim 9 and claims 10 through 16 depending therefrom, Applicants reiterate that Diner discloses a “television system for viewing a workspace using at least one monitor and one or more cameras and perhaps lighting elements.” (Col. 1, lines 65-67.) Diner specifically discloses in the Office Action’s Response to Arguments citations, (i) “That transformation of hand-controller coordinates to selected televisions camera coordinates is conventional” (col. 5, lines 16-18); (ii) “If the hand-controller coordinates are transformed to correspond with the coordinates of a selected camera, the graphics will indicate that fact” (col. 2, lines 40-42); and (iii) “the operator assigns the monitors to up to four of the five cameras and changes these assignments as the need arises” (col. 5, lines 35-37).

Diner does not appear to disclose, as claimed by Applicants in independent claim 9,

In a system having input devices and telepresence devices, a method for controlling one or more associated telepresence devices with a selected input device, the method comprising the steps of:

**receiving raw data** representative of movement commands from the selected input device;

**converting the raw data into a zone structure** representative of the movement commands **in a telepresence-device independent format, the zone structure being a format independent of any one of the input devices and any one of the one or more associated telepresence devices;**

when the selected input device is selectively associated with the one or more associated telepresence devices, processing the zone structure with a device module corresponding to each of the one or more associated telepresence devices to obtain telepresence device commands corresponding to at least a portion of the movement commands for each of the associated telepresence devices; and

transmitting the movement commands to the associated telepresence devices. (Emphasis added.)

Applicants herein sustain the above-recited arguments, namely, that Diner does not disclose any intermediate telepresence device-independent format but rather discloses a direct scaling of coordinates commensurate with the corresponding field of view (e.g., zoom magnitude) of the selected camera. Specifically from Diner, “hand-controller **coordinates** are

**transformed to correspond** with the coordinates of a **selected** camera” (col. 2, lines 40-42; emphasis added). In direct contradiction, Applicants’ invention as claimed is drawn to, among other things, **“converting the raw data into a zone structure representative of the movement commands in a telepresence-device independent format, the zone structure being a format independent of any one of the input devices and any one of the one or more associated telepresence devices”**.

Clearly, the Diner reference does not and cannot anticipate under 35 U.S.C. § 102(b) as no intermediate data formatting **transformation** process wherein the raw data is converted into a format independent of any of the one or more associated telepresence devices is disclosed. Accordingly, independent claim 9 and claims 10 through 16 depending therefrom, are allowable over the cited reference and the rejection should be withdrawn.

Independent Claim 24

Regarding claim 24 and claims 25 through 36 depending therefrom, Applicants reiterate that Diner discloses a “television system for viewing a workspace using at least one monitor and one or more cameras and perhaps lighting elements.” (Col. 1, lines 65-67.) Diner specifically discloses in the Office Action’s Response to Arguments citations, (i) “That transformation of hand-controller coordinates to selected televisions camera coordinates is conventional” (col. 5, lines 16-18); (ii) “If the hand-controller coordinates are transformed to correspond with the coordinates of a selected camera, the graphics will indicate that fact” (col. 2, lines 40-42); and (iii) “the operator assigns the monitors to up to four of the five cameras and changes these assignments as the need arises” (col. 5, lines 35-37).

Diner does not appear to disclose, as claimed by Applicants in independent claim 24,

A telepresence system for allowing an operator to interact with a remote operating environment, the telepresence system comprising:

- a plurality of input devices;
- a plurality of telepresence devices, wherein one or more of the telepresence devices is configured to be controlled by one of the plurality of input devices and one or more of the telepresence devices is configured to provide a visual representation of the operating environment;
- a computer comprising:



an input conversion module **configured to receive raw data** representative of operator commands from at least one of the plurality of input devices and **further configured to convert the raw data to a zone structure representative of the operator commands in a telepresence-device independent format, the zone structure being a format independent of any of the plurality of input devices and any of the plurality of telepresence devices;** and

a plurality of device modules corresponding to the plurality of telepresence devices configured to receive the zone structure and convert the zone structure to movement commands corresponding to the operator commands for each respective telepresence device; and

a communication link for transmitting the movement commands to the telepresence devices. (Emphasis added.)

Applicants herein sustain the above-recited arguments, namely, that Diner does not disclose any intermediate telepresence device-independent format but rather discloses a direct scaling of coordinates commensurate with the corresponding field of view (e.g., zoom magnitude) of the selected camera. Specifically from Diner, “hand-controller **coordinates** are **transformed to correspond** with the coordinates of a **selected** camera” (col. 2, lines 40-42; emphasis added). In direct contradiction, Applicants’ invention as claimed is drawn to, among other things, “**an input conversion module configured to receive raw data representative of operator commands . . . and further configured to convert the raw data to a zone structure representative of the operator commands in a telepresence-device independent format, the zone structure being a format independent of any of the plurality of input devices and any of the plurality of telepresence devices**”.

Clearly, the Diner reference does not and cannot anticipate under 35 U.S.C. § 102(b) as no intermediate data formatting **transformation** process wherein the raw data is converted into a format independent of any of the one or more associated telepresence devices is disclosed. Accordingly, independent claim 24 and claims 25 through 36 depending therefrom, are allowable over the cited reference and the rejection should be withdrawn.

### 35 U.S.C. § 103(a) Obviousness Rejections

#### Obviousness Rejection Based on U.S. Patent No. 5,182,641 to Diner et al.

Claims 5 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Diner et al. (U.S. Patent No. 5,182,641). Applicants respectfully traverse this rejection, as hereinafter set forth.

M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

The 35 U.S.C. § 103(a) obviousness rejections of claims 5 and 35 are improper because the elements of the *prima facie* case of obviousness are not met. Specifically, the rejection fails to meet the criterion that the prior art reference must teach or suggest all the claim limitations.

Regarding claim 5 which indirectly depends from amended independent claim 1, Applicants reiterate that Diner discloses a "television system for viewing a workspace using at least one monitor and one or more cameras and perhaps lighting elements." (Col. 1, lines 65-67.) Diner specifically discloses, (i) "That transformation of hand-controller coordinates to selected televisions camera coordinates is conventional" (col. 5, lines 16-18); (ii) "If the hand-controller coordinates are transformed to correspond with the coordinates of a selected camera, the graphics will indicate that fact" (col. 2, lines 40-42); and (iii) "the operator assigns the monitors to up to four of the five cameras and changes these assignments as the need arises" (col. 5, lines 35-37).

Diner does not appear to disclose, as claimed by Applicants in independent claim 1 from which claim 5 depends through claim 37,

A telepresence system for allowing an operator to interact with a remote operating

environment, the system comprising:

one or more input devices, the one or more **input devices configured to produce raw data** representative of operator commands;

an input conversion module **configured to convert the raw data into a zone structure representative of the operator commands in a telepresence-device independent format, the zone structure being a format independent of any one of the one or more input devices;**

one or more device modules corresponding to one or more telepresence devices, the one or more device modules **configured to convert the zone structure into telepresence device commands** specific to an associated one of the one or more telepresence devices, **the zone structure being a format independent of any of the one or more telepresence devices**, the telepresence device commands resulting from at least a portion of the operator commands; and

a configuration module configured to associate a specific one of the one or more input devices corresponding to the zone structure with a specific one of the one or more telepresence devices which responds to the telepresence device commands resulting from the zone structure. (Emphasis added.)

Applicants herein sustain the above-recited arguments, namely, that Diner does not teach or suggest any intermediate telepresence device-independent format but rather discloses a direct scaling of coordinates commensurate with the corresponding field of view (e.g., zoom magnitude) of the selected camera. Specifically from Diner, “hand-controller **coordinates** are **transformed to correspond** with the coordinates of a **selected** camera” (col. 2, lines 40-42; emphasis added). In direct contradiction, Applicants’ invention as claimed is drawn to, among other things, “an input conversion module configured to **convert the raw data into a zone structure representative of the operator commands in a telepresence-device independent format, the zone structure being a format independent of any one of the one or more input devices**”. Therefore, Applicants respectfully request that the rejection to claim 5 be withdrawn.

Regarding claim 35 which depends from independent claim 24, Applicants reiterate that Diner discloses a “television system for viewing a workspace using at least one monitor and one or more cameras and perhaps lighting elements.” (Col. 1, lines 65-67.) Diner specifically discloses, (i) “That transformation of hand-controller coordinates to selected televisions camera coordinates is conventional” (col. 5, lines 16-18); (ii) “If the hand-controller coordinates are

transformed to correspond with the coordinates of a selected camera, the graphics will indicate that fact” (col. 2, lines 40-42); and (iii) “the operator assigns the monitors to up to four of the five cameras and changes these assignments as the need arises” (col. 5, lines 35-37).

Diner does not appear to teach or suggest, as claimed by Applicants in independent claim 24 from which claim 35 depends,

A telepresence system for allowing an operator to interact with a remote operating environment, the telepresence system comprising:

a plurality of input devices;

a plurality of telepresence devices, wherein one or more of the telepresence devices is configured to be controlled by one of the plurality of input devices and one or more of the telepresence devices is configured to provide a visual representation of the operating environment;

a computer comprising:

an input conversion module **configured to receive raw data** representative of operator commands from at least one of the plurality of input devices and **further configured to convert the raw data to a zone structure representative of the operator commands in a telepresence-device independent format, the zone structure being a format independent of any of the plurality of input devices and any of the plurality of telepresence devices;** and

a plurality of device modules corresponding to the plurality of telepresence devices configured to receive the zone structure and convert the zone structure to movement commands corresponding to the operator commands for each respective telepresence device; and

a communication link for transmitting the movement commands to the telepresence devices. (Emphasis added.)

Applicants herein sustain the above-recited arguments, namely, that Diner does not disclose any intermediate telepresence device-independent format but rather discloses a direct scaling of coordinates commensurate with the corresponding field of view (e.g., zoom magnitude) of the selected camera. Specifically from Diner, “hand-controller **coordinates** are **transformed to correspond** with the coordinates of a **selected** camera” (col. 2, lines 40-42; emphasis added). In direct contradiction, Applicants’ invention as claimed is drawn to, among other things, “**an input conversion module configured to receive raw data representative of**

**operator commands . . . and further configured to convert the raw data to a zone structure representative of the operator commands in a telepresence-device independent format, the zone structure being a format independent of any of the plurality of input devices and any of the plurality of telepresence devices".** Therefore, Applicants respectfully request that the rejection to claim 35 be withdrawn.

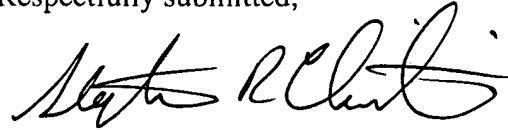
**ENTRY OF AMENDMENTS/RESPONSE**

No claims have been amended herein. The rejections to the claims should be withdrawn in view of the response to the rejections as presented herein.

**CONCLUSION**

Claims 1-16 and 24-37 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,



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